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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LAPIN CHILDREN LLC,

Defendant.

Adv. Pro. No. 10-05209 (SMB)

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010

Protective Order¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141] (the “Avoidance Procedures Order”). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated Estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 3, 2010 [ECF No. 2], the Avoidance Procedures Order is applicable to the instant matter.

Pursuant to the Avoidance Procedures Order, on August 25, 2017 the Trustee filed with this Court the Notice of Mediation Referral [ECF No. 52, wherein the Trustee and defendant Lapin Children LLC (together with the Trustee, the “Parties”) jointly agreed to enter mediation upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures Order and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Deborah A. Reperowitz, Esq., from the law firm of Stradley Ronan Stevens & Young, LLP, to act as the Mediator in this matter. The Parties further agree to contact the Mediator as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as the Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as the Mediator.

Pursuant to the Avoidance Procedures Order, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: New York, New York
September 11, 2017

/s/ Keith R. Murphy

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the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Estate of Bernard L. Madoff*